

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

**CRAIG BJORK,**

Plaintiff,

v.

**COLETTE PETERS, et al.,**

Defendants.

Civ. No. 6:19-cv-00981-CL

**OPINION AND ORDER**

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AIKEN, District Judge:

Plaintiff is an adult in custody who is proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. Before the Court is Plaintiff's Motion to Reconsider, ECF No. 239. Plaintiff asks the Court to reconsider its denial of ECF No. 226. As a side-issue, Plaintiff discusses that mail can be delayed in reaching him in prison. The Court DENIES Plaintiff's Motion to Reconsider, ECF No. 239.

## DISCUSSION

### I. Mail Delay

The Court has been and will continue to be reasonably accommodating of Plaintiff with respect to missed deadlines. On review of the record, Plaintiff has not been prejudiced with respect to any filing deadlines missed because of the delay of mail in prison.

### II. Denial of Motion ECF No. 226 for ADA Accommodations

The Court denied Plaintiff's motion, ECF No. 226, because Magistrate Judge Mark Clarke has already ruled on the exact issue. *See* Order ECF No. 223 (denying Plaintiff's Motion for ADA Accommodations, ECF No. 214). Judge Clarke observed that Plaintiff's ADA request was based on cognitive disability and that the accommodation Plaintiff sought was assistance understanding and handling this case. *Id.* Judge Clarke found that no circumstances warranted appointing counsel at this juncture and that if the case proceeded to trial, the Court would again attempt to find Plaintiff an attorney. *Id.*

After Judge Clarke denied Plaintiff's Motion for ADA Accommodations, ECF No. 214, Plaintiff renewed that same request in ECF No. 226. The Court reviewed Plaintiff's request as an objection to Judge Clark's ruling. The Court reviewed it under the "clearly erroneous standard," which requires "a definite and firm conviction that [Judge Clarke]" made a mistake." *See* Opinion, ECF No. 234 at 3. The Court found that Judge Clarke did not err, and that the renewed motion must be denied. Again, Plaintiff moves to reconsider the issue. ECF No. 239. The Court again denies that request. The Court finds that Plaintiff has been adept at filing motions, replies,

responses, and motions for reconsideration. The Court further finds that Judge Clarke did not err in denying Plaintiff's request for counsel. Finally, the Court finds that Plaintiff has not presented new evidence, fraud, or any other reason that justifies relief from the Court's order denying his motion for ADA accommodations.

### **CONCLUSION**

For the reasons explained, Plaintiff's motion for reconsideration, ECF No. 239, is DENIED.

IT IS SO ORDERED.

Dated this 19th day of March 2025.

/s/Ann Aiken

Ann Aiken  
United States District Judge